IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 27TH JULY 2007 / TTH SRAVANA 1929

WP(C).No. 22999 of 2007(K)

AGAINST THE ORDER IN EA.157/07 IN EP.142/05 IN ARC.621/2002 of PRL.SUB COURT,THRISSUR

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PETITIONER:

MUHAMMED, AGED 60 YEARS, S/O.AYAMUTTY,
THAREPARAMBIL HOUSE, EDAKAZHIYOOR PO,
THRISSUR DISTRICT.

BY ADV. SRI.P.RAMACHANDRAN

RESPONDENTS:

THE CHAVAKKAD TALUK RURAL HOUSING
CO-OPERATIVE SOCIETY LTD., REPRESENTED BY ITS
SECRETARY, P.O.PAVARATTY, THRISSUR DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 22999 OF 2007 K

Dated this the 27th July, 2007.

JUDGMENT

This writ petition is filed seeking a direction against the respondent and to grant three months' time to pay the amount and to avoid dispossession. The decree holder is a co-operative society. It obtained a decree against the writ petitioner and in the execution proceedings bid the property in auction and had obtained a sale certificate and has applied for the delivery of the property, which stands posted to 30.7.2007. Now the learned counsel submits that some time may be given to enable him to pay the amount. The writ petitioner has not resorted to the provisions available under the Civil Procedure Code for setting aside the sale and now at the last moment has come forward with a prayer to defer the delivery. The factum of settlement between the writ petitioner and the society can be had and the only way out to save the property is to get a re-conveyance if the decree holder so agrees. Being a co-operative society, it may not be interested in the property but only on the amount due to it under the decree. So the petitioner is given liberty to approach the respondent viz., the decree holder for getting re-conveyance of the property and if the decree holder so decides, may re-convey

the property and in order to facilitate the said process I am inclined to grant four weeks' time and therefore delivery which is posted to 30.7.2007 will stand deferred and if no settlement is arrived at, the court below is directed to deliver the property on 5.9.2007. Writ petition is disposed of with the above directions.

M.N.KRISHNAN
Judge

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